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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,090	07/08/2003	Douglas M. Baney	10020766-1	9657

7590                  03/13/2007

EXAMINER

AGILENT TECHNOLOGIES, INC.  
Legal Department, DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

ART UNIT                  PAPER NUMBER

DATE MAILED: 03/13/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/616,090

EXAMINER
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*Erin D'Cham*

ART UNIT	PAPER
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2883      20070305

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

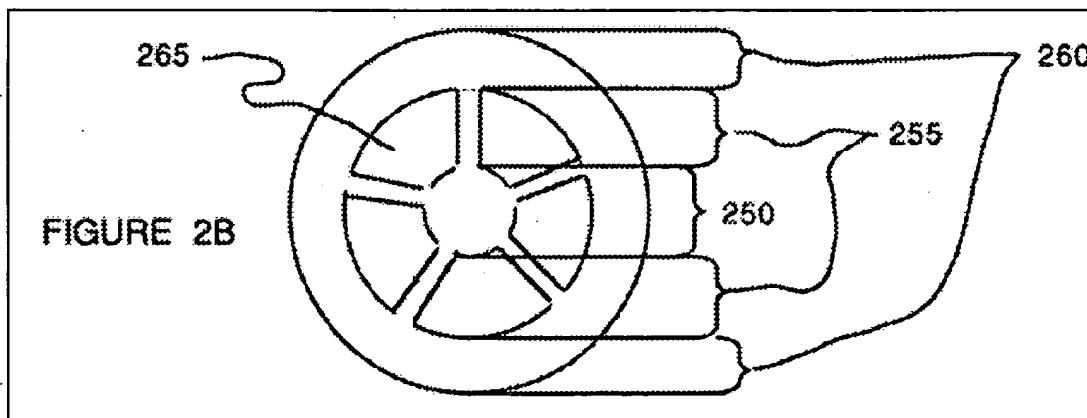
Commissioner for Patents

(see attached)

**DETAILED ACTION**

This office action is in response to applicant's Request for Continued Examination filed on December 11, 2006. Prior to further prosecution, an issue regarding the claim limitation corresponding to the support was discussed August 31, 2006 (Please see interview summary from action mailed September 6, 2006) has not been resolved. In regards to the recitation of the "primary core" and "secondary core" examiner inquired in the interview whether the recitation is one of patentably distinct structure or a linguistic difference that has no structural difference. Applicant was not ready to respond to the inquiry. In applicant's remarks filed with the RCE, applicant is silent to the pending inquiry. In view of the amended claims and remarks, examiner considers the base claims to contain enablement issue based on applicant's cited support.

In the August 31, 2006 interview, applicant cited support for the primary core and secondary to Fig. 2B and Specification on page 8, line 19 to page 9 line 5.



Art Unit: 2883

250 primary core

255 secondary core

260 cladding

265 void

According to Fig. 2B, the primary core, the secondary core, and the cladding appears to be structurally same. Claim 1 also recites:

*A secondary core surrounding said primary core and comprising a plurality of voids filled with said known selective absorption medium.*

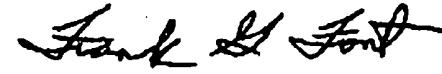
Examiner interprets the voids to then be the secondary core. However, since the primary core, and the cladding are still structurally the same, the secondary core cannot surround the primary core. On the contrary, the primary core appears to be within the secondary core and surrounding the secondary core. Applicant's Specification does not disclose any further detail regarding structural limitations of the primary core, secondary core, and cladding and applicant's remarks is silent to the pending inquiry. Examiner respectfully request clarification on this pending inquiry since the structural difference is imminent to the enablement of the claimed subject matter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erin D. Chiem whose telephone number is (571) 272-3102. The examiner can normally be reached on Monday - Thursday 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Erin D Chiem  
Examiner  
Art Unit 2883



Frank G. Font  
Supervisory Primary Examiner  
Technology Center 2800